



HJ0039

LRB096 12039 JDS 23932 r

1 HOUSE JOINT RESOLUTION

2 WHEREAS, In 1993, Public Act 88-496 established the Leaking
3 Underground Storage Tank (LUST) program; and

4 WHEREAS, The purpose of the LUST program is, in accordance
5 with the requirements of the Federal Hazardous and Solid Waste
6 Amendments of 1984 of the Resource Conservation and Recovery
7 Act of 1976 and in accordance with the State's interest to
8 protect the environment, to establish procedures for the
9 remediation of environmental contamination caused by leaking
10 underground storage tanks; to oversee and review any required
11 remediation of sites containing those tanks; to establish an
12 Underground Storage Tank Fund to satisfy the financial
13 responsibility requirements imposed by federal and State laws
14 and regulations; and to establish procedures for persons
15 eligible to seek payment from the Fund for costs associated
16 with remediation; and

17 WHEREAS, Illinois motor fuel taxes and environmental
18 impact fees have financed the Fund; and

19 WHEREAS, Over the course of its operation, the Fund has
20 paid over \$1 billion for eligible environmental clean-ups; and

21 WHEREAS, During this period, the Fund has experienced

1 funding shortages that have required applicants for
2 reimbursement to wait up to 18 months for payment; and

3 WHEREAS, There is currently a backlog of unpaid claims
4 totaling \$62 million; and

5 WHEREAS, If the Fund is not solvent, Illinois tank owners
6 and operators will be forced to find more costly methods to
7 satisfy their financial responsibility obligations under
8 federal and State laws and regulations; and

9 WHEREAS, The Illinois Environmental Protection Agency
10 estimates under the current system a future liability of \$864
11 million to clean-up a projected 6500 leaking underground
12 storage tank sites in Illinois over the next 20 years; and

13 WHEREAS, Under the current system, the existing funding
14 sources will not be sufficient to keep up with the costs; and

15 WHEREAS, The cost of an average environmental clean-up in
16 Illinois has steadily risen in recent years to the point where
17 the cost of an environmental clean-up in Illinois is
18 significantly higher than in other states; and

19 WHEREAS, The General Assembly finds that it is necessary to
20 form a Task Force to study the significant problems that the

1 Fund currently faces; therefore, be it

2 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
3 NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
4 SENATE CONCURRING HEREIN, that there is created an Underground
5 Storage Tank Task Force to study the significant problems that
6 the Underground Storage Tank Fund faces and to suggest a new
7 approach to determine how moneys in the Fund will be used to
8 pay for corrective action costs in addressing petroleum
9 releases at sites and to study ways to monitor and control the
10 costs of environmental clean-up in Illinois; and be it further

11 RESOLVED, That the Task Force shall consist of 11 members
12 appointed as follows:

13 (1) One person appointed by the Speaker of the House,
14 who shall serve as cochairman of the Task Force;

15 (2) One person appointed by the Minority Leader of the
16 House;

17 (3) One person appointed by the President of the
18 Senate, who shall serve as cochairman of the Task Force;

19 (4) One person appointed by the Minority Leader of the
20 Senate;

21 (5) The Director of the Illinois Environmental
22 Protection Agency, or his or her representative;

23 (6) One person representing the Office of the State
24 Fire Marshall;

1 (7) One person, designated by the President of a
2 petroleum marketers' association in Illinois;

3 (8) One person, designated by the Director, of a
4 petroleum council in Illinois;

5 (9) One person, designated by the Director, of an
6 association of petroleum and environmental engineers in
7 Illinois;

8 (10) One person, designated by the Director, of an
9 association of convenience stores in Illinois;

10 (11) One person, designated by the Director, of a
11 council of engineering companies in Illinois; and be it
12 further

13 RESOLVED, That the Illinois Environmental Protection
14 Agency shall provide staff and support for the Task Force; and
15 be it further

16 RESOLVED, That the members of the Task Force shall receive
17 no compensation for serving as members of the Task Force; and
18 be it further

19 RESOLVED, That the Task Force shall make its
20 recommendations on proposed solutions to the significant
21 problems facing the Leaking Underground Storage Tank program
22 and Fund and shall submit a report of its findings to the
23 Governor and the General Assembly by December 31, 2009.